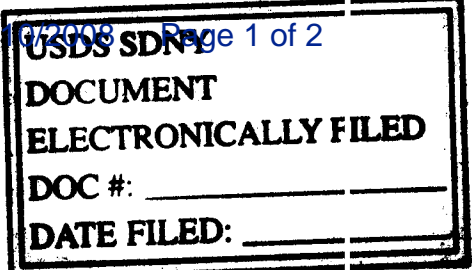


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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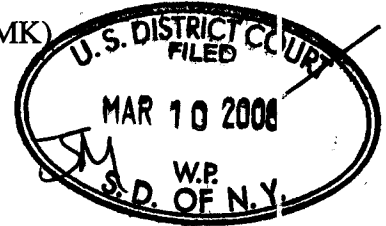
In re:

Bankruptcy Appeal

ST. CASIMIR DEVELOPMENT CORP.,

07 Civ. 2908 (KMK)

Debtor.



**STIPULATION WITHDRAWING APPEAL FROM  
ACTIVE CONSIDERATION, WITHOUT PREJUDICE,  
WITH LEAVE TO REACTIVATE**

The undersigned, counsel for the parties hereby stipulate that the above-captioned appeal is hereby withdrawn from active consideration, without costs and without attorneys' fees and **without prejudice**, subject to reactivation of the appeal during a period of court supervision not to exceed 120 days from the date herof, by Appellant's counsel by written notice to Chambers of Honorable Kenneth M. Karas.

If not thus reactivated the appeal shall be deemed withdrawn with prejudice. (See Hertzner v. Henderson, 292 F.3d 302 (2d Cir., 2002)).

The parties stipulate and agree that the sole purpose of this withdrawal is the parties have executed a Settlement Agreement which provides, inter alia for the reactivation of the appeal in the event a condition subsequent invalidating the Settlement Agreement is met, which condition must occur pursuant to the terms of the Settlement Agreement before 120 days after the date of this Stipulation. In the event that the appeal is reactivated any delay attributed to the withdrawal shall not be used against either party and no negative inferences shall be drawn against either party as a result therefrom.

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Withdrawal of the appeal from active consideration shall not operate as a dismissal of the appeal under Fed.R. Bankr.P. Rule 8002(c)(2). The appeal is still pending but is temporarily removed from active consideration.

Dated: March 7, 2008

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/s/ James B. Glucksman  
BY: \_\_\_\_\_  
James B. Glucksman (5722)

/s/ Margaret M. Mann  
BY: \_\_\_\_\_  
Margaret M. Mann

The Clerk of Court is directed to administratively terminate this appeal and to close this file, although the Court retains jurisdiction, for a period of 120 days, to reactivate and reopen it under the terms of this Stipulation Withdrawing Appeal.

SO ORDERED.

Dated: March 7, 2008  
White Plains, New York

  
\_\_\_\_\_  
KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE